

State of Colorado



John W. Hickenlooper
Governor

Neil Peck
Board Chair

Dana Shea-Reid
Board Director

State Personnel Board
1525 Sherman Street, 4th Floor
Denver, Colorado 80203
Phone (303) 866-3300
Fax (303) 866-5038

AGENDA PUBLIC BOARD MEETING June 21, 2016

A public meeting of the Colorado State Personnel Board will be held on Tuesday, June 21, 2016 1525 Sherman Street, 1st Floor Conference Room 103, Denver, Colorado 80203. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-866-3300 by June 10, 2016.

CALL TO ORDER

- Attendance.
- Disclosure of any potential conflicts of interest with regard to present Board business and notice of recusal, if applicable.

I. REPORT OF DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA] AND REPORT OF THE DIVISION OF HUMAN RESOURCES [DHR]

II. PENDING MATTERS

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES ON APPEAL TO THE STATE PERSONNEL BOARD

James Jimerson v. Department of Corrections, Buena Vista Correctional Facility, State Personnel Board case number 2015B003.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES TO GRANT OR DENY PETITIONS FOR HEARING

- A. Andrea Mora v. Department of Human Services, Office of Administrative Solutions, Division of Employment Affairs, State Personnel Board case number 2016G047.

Complainant is a certified employee of the Department of Human Services (DHS) Office of Administrative Solutions (DAS), Division of Employment Affairs (EA). She seeks review of a whistleblower claim, a claim of gender discrimination and a claim of a hostile work environment.

Complainant seeks removal of a 2014 Performance Improvement Plan (PIP), a 2014 Corrective Action, and all negative performance ratings and negative information from her personnel and supervisory files. Complainant requests that EA management cease retaliatory and harassing behaviors towards her, and provide her with a fair, equitable, and consistent method of treatment. Complainant further requests that her performance evaluations accurately reflect her performance and behavior for the entire performance period, rather than utilizing only negative feedback received. Complainant requests that performance be measured equitably and consistently between her and Human Resources (HR) Team Lead Justin Icenhower.

Respondent asserts that Complainant has failed to establish the existence of a valid dispute that merits a hearing. As relief, Respondent requests that Complainant's petition for hearing be denied and dismissed with prejudice.

On May 12, 2016, the Administrative Law Judge issued a Preliminary Recommendation that the petition for hearing be denied.

- B. John Kovacs v. Department of Personnel and Administration, State Personnel Board case number 2016S015.

Complainant, John Kovacs, seeks a hearing to review his non-selection for a Human Resources Strategic Consultant position with Respondent. Complainant argues that Respondent discriminated against him on the basis of age, race, gender, political affiliation, sexual orientation, and because of a bias against private sector candidates. Complainant seeks appointment to the position.

Respondent, the Department of Personnel & Administration, argues that its selection decision was not discriminatory. Respondent requests that Complainant's petition for hearing be denied and dismissed with prejudice.

On May 23, 2016, the Administrative Law Judge issued a Preliminary Recommendation that the petition for hearing be denied.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES

VI. REVIEW OF THE MINUTES FROM THE MAY 17, 2016 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS MAY 17, 2016 PUBLIC MEETING:

A. Kathy Starling v. Department of Revenue, Tax Audit and Compliance Division, State Personnel Board case number 2014G013.

The Board took no formal action on the Administrative Law Judge's Order Regarding Remedy.

B. Peter C. Martinez v. Department of Personnel and Administration, State Personnel Board case number 2016G053.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

C. Barry M. Johnson v. University of Northern Colorado, State Personnel Board case number 2016S014.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing on Complainant's claim of age discrimination.

VIII. ADMINISTRATIVE MATTERS & COMMENTS

- A. ADMINISTRATIVE MATTERS
 - Cases on Appeal to Appellate Courts

- B. OTHER BOARD BUSINESS
(Director's Report)
 - Nominations close on June 17 for Board member election.
 - Administrative Assistant position hired.

- C. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS,
PERSONNEL ADMINISTRATORS, AND THE PUBLIC

IX. PROPOSED LEGISLATION AND/OR RULEMAKING

X. EXECUTIVE SESSION

ADJOURN:

REGULARLY SCHEDULED BOARD MEETINGS - 9:00 a.m.

January 19, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
February 16, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
March 15, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
April 19, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
May 17, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
June 21, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
July 19, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
August 16, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
September 20, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
October 18, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
November 15, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
December 20, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203